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STATE FOR EUR/UBI, S/CT, INR  
JUSTICE FOR OIA

E.O. 12958: N/A

TAGS: [PTER](#) [KCRM](#) [KPRP](#) [PINR](#) [PREL](#) [PGOV](#) [CASC](#) [NL](#)

SUBJECT: HOFSTAD GROUP RULED A TERRORIST ORGANIZATION

[1](#)1. (U) The Hague court ruled March 10 that the Hofstad group was a terrorist organization, because it aimed to incite hatred, violence, and intimidation, according to press reports. Nine of the 14 defendants were found guilty of membership in a criminal-terrorist organization. One of those convicted is an Amcit. However, the court also ruled that it had not been proven that the defendants had been actively planning to commit a violent act, or acts, and consequently acquitted them on charges of conspiracy to commit a terrorist act. This is the first time that anyone has been convicted of membership in a terrorist organization, under the 2004 Terror Crimes Act, which made such membership a criminal offence.

[1](#)2. (U) Jason Walters, Ismael Akhnikh and Nouredine el Fatmi were also convicted on weapons charges. Walters and Akhnikh were convicted for throwing hand grenades at the Hague police in November 2004; Walters was sentenced to 15 years, and Akhnikh to 13. The prosecution had requested 20 years for both. el Fatmi was found guilty of having a loaded machine gun when arrested in November 2004; he was sentenced to 5 years. The court ruled that convicted Theo van Gogh murderer Mohamed Bouyeri was a member of the Hofstad group; however, as he is already serving a life sentence, Bouyeri could not be sentenced to additional time.

[1](#)3. (U) Jermaine Walters, Jason's brother, was acquitted of conspiracy charges. This was not unexpected, as the prosecutor had requested that he be acquitted, due to lack of evidence (under the Dutch legal system, once a trial has begun, the prosecution cannot drop charges against a defendant; the case must still go to the judges for a verdict). The Walters brothers are dual national Dutch-American converts to Islam. Three of the nine convicted were not sentenced to additional jail time; the sentences given were less than the time that they had already served in preventive detention.

[1](#)4. The court also ruled that there was no evidence that the group had been planning anything concrete to impede the work of MPs Gert Wilders or Ayaan Hirsi Ali, whom some members of the group were accused of having threatened.

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